

# House Study Bill 149 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON LUNDGREN)

## A BILL FOR

1 An Act relating to vegetation management by certain electric  
2 suppliers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   564.9   Electric suppliers —  
2   vegetation management.

3     1.   For purposes of this section:

4     *a.   "Electric distribution facility"* means the facilities  
5   and equipment owned and operated by an electric supplier that  
6   are used to transmit electricity to ultimate usage points from  
7   interchanges with higher voltage transmission networks which  
8   transport bulk power over long distances.

9     *b.   "Electric supplier"* means any of the following:

10    (1)   A rural electric cooperative subject to chapter 499.

11    (2)   A city utility as defined in section 362.2, subject to  
12   regulation under section 476.1B.

13    (3)   A joint facility or electric power agency subject to  
14   chapter 390.

15    (4)   A public utility with an assigned area of service  
16   pursuant to section 476.25.

17    *c.   "Vegetation"* means any natural growth or vegetation,  
18   including but not limited to trees, brush, saplings, and  
19   bushes.

20    *d.   "Vegetation management"* means any act to manage  
21   vegetation, including but not limited to trimming, removing,  
22   spraying, or otherwise controlling the vegetation.

23    2.   *a.*   An electric supplier that maintains or operates  
24   electric distribution facilities may engage in vegetation  
25   management within the legal description of a recorded easement  
26   to ensure the continued safe and reliable operation of the  
27   electric distribution facilities. However, if the terms of  
28   a recorded easement prescribe limitations on an electric  
29   supplier's ability to engage in vegetation management within  
30   the legal description of the recorded easement, the terms of  
31   the recorded easement shall control.

32    *b.*   In the absence of a recorded easement, an electric  
33   supplier may engage in vegetation management as follows:

34    (1)   For electric distribution lines capable of operating at  
35   thirty-seven kilovolts or less and located within the limits

1 of a city, within ten feet, plus one-half of the length of any  
2 attached cross arm, of either side of the centerline.

3 (2) For electric distribution lines capable of operating at  
4 thirty-seven kilovolts or less and located outside the limits  
5 of a city, within thirty feet, plus one-half of the length of  
6 any attached cross arm, of either side of the centerline.

7 c. Vegetation management undertaken pursuant to paragraph  
8 "b" shall be considered reasonable and necessary for the  
9 continued safe and reliable operation of the electric  
10 supplier's electric distribution lines and shall create a  
11 rebuttable presumption, in claims for property damage, that  
12 the electric supplier acted with reasonable care, operated  
13 within its rights regarding the maintenance and operation of  
14 the electric distribution lines, and did not commit trespass.

15 3. Notwithstanding subsection 2, an electric supplier  
16 may engage in vegetation management beyond the activities  
17 authorized under subsection 2 in the following circumstances:

18 a. The electric supplier is granted permission from the  
19 owner of the real property on which the electric distribution  
20 facilities are located to engage in vegetation management  
21 beyond the activities authorized under subsection 2.

22 b. The electric supplier is granted a recorded easement  
23 that prescribes greater rights regarding vegetation management  
24 beyond those granted in subsection 2.

25 c. The electric supplier deems that vegetation threatens  
26 the integrity and safety of the electric supplier's electric  
27 distribution facilities and vegetation management beyond  
28 the activities authorized under subsection 2 is necessary  
29 to maintain the continued safe and reliable operation of  
30 the electric distribution facilities. Prior to undertaking  
31 vegetation management pursuant to this paragraph, the  
32 electric supplier shall notify the owner of the real property  
33 on which the vegetation is located at least fourteen days  
34 before the vegetation management occurs, unless the electric  
35 supplier deems that immediate action is necessary to ensure

1 the continued safe and reliable operation of the electric  
2 distribution facilities, or the action is in response to a  
3 major weather event or other emergency situation.

4 4. An electric supplier that engages in vegetation  
5 management pursuant to this section shall not be liable for  
6 treble damages under section 658.4.

7 5. This section shall not be interpreted to require an  
8 electric supplier to exercise any rights provided in this  
9 section.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill establishes new Code section 564.9, relating  
14 to the ability of certain electric suppliers to engage in  
15 vegetation management under specified circumstances.

16 "Electric distribution facility" is defined as the  
17 equipment owned and operated by an electric supplier that  
18 is used to transmit electricity to ultimate usage points  
19 from interchanges with higher voltage transmission networks.  
20 "Electric supplier" is defined as a rural electric cooperative,  
21 a city utility, a joint facility or electric power agency, or a  
22 public utility with an assigned area of service. "Vegetation"  
23 is defined as any natural growth or vegetation, including but  
24 not limited to trees, brush, saplings, and bushes. "Vegetation  
25 management" is defined as any act to manage vegetation,  
26 including but not limited to trimming, removing, spraying, and  
27 controlling the vegetation.

28 The bill provides that an electric supplier that maintains  
29 or operates electric distribution facilities may engage  
30 in vegetation management within the legal description of a  
31 recorded easement to ensure the continued safe operation of  
32 the facilities. However, if the recorded easement limits the  
33 electric supplier's ability to do so, the recorded easement  
34 controls.

35 The bill allows an electric supplier to engage in vegetation

1 management in the absence of a recorded easement in certain  
2 areas and locations, as specified in the bill. The bill  
3 provides that such actions shall be considered reasonable and  
4 necessary for the continued safe and reliable operation of  
5 the electric distribution lines and shall create a rebuttable  
6 presumption that the electric supplier acted with reasonable  
7 care, operated within its rights, and did not commit trespass.

8     The bill provides that an electric supplier may engage in  
9 vegetation management beyond the activities authorized under  
10 the bill if the electric supplier is granted permission from  
11 the landowner on which the electric distribution facilities are  
12 located to do so, the electric supplier is granted a recorded  
13 easement that prescribes greater rights, or the electric  
14 supplier deems that such action is necessary to maintain  
15 the continued safe and reliable operation of the electric  
16 distribution facilities, provided that the electric supplier  
17 notify the landowner at least 14 days in advance, unless the  
18 electric supplier deems that immediate action is needed or if  
19 the action is in response to a major weather event or other  
20 emergency situation.

21     The bill provides that an electric supplier that engages in  
22 vegetation management pursuant to the bill shall not be liable  
23 for treble damages for injury to trees under Code section  
24 658.4.

25     The bill provides that it shall not be interpreted to require  
26 an electric supplier to exercise any rights provided in the  
27 bill.